REMARKS

Firstly, Applicant thanks the Examiner for the Examiner's thorough review of this application. This response to the outstanding Office action is a bona fide attempt to advance this application toward a condition of allowance.

US Patent 6,843,376 issued to Dube et al. on Jan. 18, 2005 (publ. May 16, 2002)

In the outstanding Office action, the Examiner has rejected claims 1, 2, 7-12, 16, 17, 19 and 20 under 35 U.S.C. 102(e) as being anticipated by the Dube et al. reference The Examiner said that the wording of claim 1 recites basically the same machine as disclosed in the Dube et al. reference.

Claim 1 has been amended. Claims 2 and 5 were cancelled, and the subject-matter thereof have been introduced in claim 1. Moreover, the word "substantially" in the expression "central region set substantially in line with" has been replaced by "vertically". Claim 1 now recites a loading pan having a plated bottom surface extending substantially in a same plane as the top screen, and having a central region set vertically in line with the top springs. Applicant respectfully submits that the description of his invention as recited in the amended claim 1 is now distinguishable and patentable over the disclosure of Dube et al.

Inasmuch as the Examiner might still consider the Dube et al. reference as applicable in a 35 U.S.C. 102 (b); 35 U.S.C. 102(e) or a 35 U.S.C. 103 (a) rejection of amended claim 1, the following comments are submitted. Although the Dube et al. reference discloses a vibrating screen having a frame, a first and second pairs of springs, series of finger-like grates and an inlet chute, Applicant truly submits that the Dube et al. reference does not teach a loading pan having a bottom surface extending substantially in a same plane as the top screen and having a central region set vertically in line with the top springs. The person skilled in the art will understand that the apparatus described in the Dube et al. reference, with its inlet chute having a central region on the upstream side of the top springs, will not experience an uniform flow of material to the top screen as described in Applicant's disclosure from page 9, line 12 to page 10, line 8.

Accordingly, it is Applicant's position that Applicant's new claim 1 is neither anticipated nor unpatentable over the Dube et al. reference for the reasons explained above. It is also Applicant's position that claims 3, 4, 6-9 which depend directly or indirectly on new claim 1, are also not anticipated by the Dube et al. reference and are unobvious over the Dube et al. reference for substantially the same reasons as set forth in the remarks for claim 1 hereinbefore.

The Examiner rejected claim 2 in Applicant's application saying that the loading pan on the apparatus described in the Dube et al. reference extends in a same plane as the screen box. Claim 2 has been cancelled, and its subject-matter has been introduced in claim 1. In the claim 1 context, the wording of this structural limitation has been changed to a loading pan extending substantially in a same plane as the top screen. This distinction should be noted when reading amended claim 1.

Claim 3 has been amended to show proper dependency on the amended claim 1.

Claim 4 has been amended to replace the word "side" with "an outside edge", in order to improve on the clarity of the wording of that claim. Although the angle 'D' in Applicant's FIG. 3 is shown inside the loading pan, it will be appreciated that the opposite angle on the outside of the screen box is a same angle. It is believed that the new recitation of the outside edge provides a better description for the funneling function of the loading pan.

Claim 6 has been amended to show proper dependency of claim 3. The word "about" was added before 60% because the exact ratio is not absolutely required to obtain the advantageous result as stated by the Applicant. In that respect, Applicant's disclosure, at page 7, lines 22- 25, states that the preferred width is at least 50% and preferably 60% or more.

The Examiner rejected claim 7 as being anticipated by the Dube et al. reference. The Examiner said that the Dube et al. reference (FIG. 8) shows ROSTA ™ springs having two arms pointing downward.

Claim 7 has been amended. Claim 7 now recites "said acute angles in both said first and second pairs of springs pointing toward said lower end". As explained in Applicant's disclosure from page 10, line 14 to page 12, line 4, the arrangement in

Applicant's vibrating screen prevents the collapsing of the upper end of the screen box when a load is dumped in the loading pan. It will be appreciated that the apparatus described in the Dube et al. reference, does not have any loading pan and therefore this reference does not disclose, teach or suggest a screen having in combination, a loading pan and an upper pair of torsion springs mounted with their arms pointing downward.

The Examiner also rejected claims 8 and 9 as being anticipated by the Dube et al. reference. It is believed that these claims will be found allowable by default in view of the amendments made to the claims 1 and 7, and therefore, it is believed that additional argument is not necessary.

The Examiner rejected claim 10 for basically the same reasons as claim 7. This claim was amended in a similar manner as in claim 7, as mentioned herein before. This claim was amended to positively recite a loading pan with means for temporarily retaining a load of screenable material therein, in combination with the limitation that both the upper and lower pairs of springs must have their acute angles pointing downstream of the screen box. It is respectfully submitted that this claim is distinct and patentable over the Dube et al. reference for substantially the same reasons as pointed out in the remarks for claim 7 herein before.

The apparatus disclosed in the Dube et al. reference does not have a loading pan per se or any means to temporarily retain a portion of a load of screenable material therein, and therefore, it is respectfully submitted that this structural limitation establishes a clear distinction between the Applicant's invention and the apparatus disclosed in the Dube et al. reference. It is also respectfully submitted that claims 11-18 which depend directly or indirectly on claim 10 are also distinguishable and non-obvious over the Dube et al. reference for the same reasons as those set forth for claims 10 and 7 herein before.

Claims 12, 14 and 16 were amended to reflect the amendments made to claim 10. Although the Examiner made comments concerning claims 11, 12, 16 and 17, it is not considered necessary to present arguments to support the patentability of these claims, in addition to the comments already made for claim 10.

Claim 19 and 20 were cancelled and were replaced by claims 21-24.

In the first Office action, the Examiner indicated that claim 13 contains allowable subject-matter. Therefore claim 21 was drafted to recite the subject-matter of claim 13 in the independent form. Applicant truly believes that this claim should be allowed without requiring further explanation. It is also believed that the new claims 22, 23 and 24 which depend directly or indirectly on claim 21 are also allowable for the same reason as for claim 21.

US Patent 5,244,098 issued to Hadden on Sept. 14, 1993.

The Examiner also rejected claims 1-5 under 35 U.S.C. 102(b) as being anticipated by Hadden. The Examiner said that the device illustrated in FIG. 2 of the Hadden reference inherently has first and bottom pairs of springs, a loading pan extending along a plane of the screen box and a central region set in line with the top springs. The comments of the Examiner are duly noted.

As mentioned before, the wording of claim 1 has been amended to clearly recite a loading pan having a bottom surface extending substantially in a same plane as the top screen and a central region set vertically in line with the first pair of springs. Inasmuch as the Examiner might still consider the Hadden reference as applicable in a 35 U.S.C. 102 (b) or a 35 U.S.C. 103 (a) rejection of new claim 1, the following comments are submitted. Firstly, the loading chute (18) in the apparatus illustrated in FIG. 2 of the Hadden reference has a central region stiffened by a transverse angle iron (not numbered). This angle iron is not vertically aligned with the top spring (30). Secondly, the loading chute (18) in the apparatus illustrated in the Hadden reference is not extending substantially in a same plane as the top screen (24).

Therefore, it is Applicant's position that Applicant's new claim 1 is neither anticipated nor unpatentable over the Hadden reference for the reasons explained above. It is also Applicant's position that claims 2-5 which depend directly or indirectly on new claim 1, are also not anticipated by the Hadden reference and are unobvious over the Hadden reference for substantially the same reasons as set forth in the remarks for claim 1 hereinbefore.

Although the Examiner presented detailed analyses of claims 2-5 in view of the Hadden reference, it is believed that these claims are allowable because of their dependency on the amended claim 1, and that no additional argument is necessary.

US Patent 4,923,597 issued to Anderson et al. on May 9, 1990.

The Examiner also rejected claims 1-5 as being anticipated by Anderson et al. The Examiner said that the vibrating screen illustrated in the Anderson et al. reference has all the structural limitations of claim 1 including a loading pan having a central region set in line with the top springs.

As mentioned before, claim 1 has been amended. Claim 1 now recites a loading pan having a plated bottom surface extending in a same plane as the top screen. Therefore Applicant respectfully submits that the Anderson et al. reference does not disclose a loading pan having a plated bottom surface extending in a same plane as the top screen.

Inasmuch as the Examiner might still consider the Anderson et al. reference in a 35 U.S.C. 102 (b) or a 35 U.S.C. 103 (a) rejection of new claim 1, the following comments are submitted. Firstly, the end wall (20) of the apparatus illustrated in the Anderson et al. reference is not a loading chute as described in Applicant's disclosure. This end wall is part of a feed hopper (column 2, lines 56-61), and has no means to retain a load of screenable material. The end wall (20) is slanted relative to the top screen. This end wall (20) does not extend substantially along a same plane as the top screen.

Therefore, it is Applicant's position that Applicant's new claim 1 is neither anticipated by the Anderson et al. reference and is not obvious in view of the Anderson et al. reference for the reasons explained above. It is also Applicant's position that claims 2-5 which depend directly or indirectly on claim 1 are not anticipated and are unobvious over the Andersen et al. reference for substantially the same reasons as set forth for claim 1 hereinbefore.

The comments of the Examiner in regards to claims 2-5 and the Anderson et al. reference have not been specifically addressed herein because these comments have already been covered in the comments made for claim 1 herein above, and additional argument is deemed unnecessary.

Finally, the Examiner said that claims 6, 13-15 and 18 contain allowable subject-matter. Applicant expresses his sincere gratitude for this comment.

In view of all the reasons presented herein, it is respectfully submitted that Applicant's claims 1, 2-4, 6-18 and 21-24 are not anticipated by the Dube et al. ; Hadden, and Anderson et al. refrences and that they are distinguishable and patentable over the Dube et al.; Hadden, and Anderson et al. references.

An early indication of allowance of Applicant's claims is respectfully requested.

Respectfully submitted,

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